

¹The instant motion was filed in Case No. 4:07CV1196SNL as Document #15. On November 19, 2007 this case was transferred from the Eastern Division of the Eastern District of Missouri to the Southeastern Division of the Eastern District of Missouri and given a new case number, Case No. 1:07cv157SNL.

documents she did receive did not identify or designate the “plan administrator”. *See*, Declaration of Gregory A. Oliphant.

Upon review of the parties’ pleadings, and submitted exhibits, it is clear to this Court that two (2) material issues of fact remain in dispute: plaintiff’s receipt of plan documents as requested and the identification of the “plan administrator” for the subject ERISA plan. Since these matters are instrumental to the resolution of this litigation, summary judgment cannot be granted to the defendant at this time.

Accordingly,

IT IS HEREBY ORDERED that defendant Poplar Bluff Tool & Die Co.’s motion for summary judgment (#15) be and is **DENIED**.

Dated this 14th day of January, 2008.

A handwritten signature in dark ink, appearing to read "Stephen T. Linbaugh". The signature is written in a cursive, flowing style with a horizontal line extending from the end.

SENIOR UNITED STATES DISTRICT JUDGE